

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 695**

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**Introduced by Assembly Member Karnette**

February 22, 2007

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An act to amend Section 40000.8 of, and to add Sections ~~4003.7~~, 9853.7; and 9853.8 to, the Vehicle Code, relating to vessels.

### LEGISLATIVE COUNSEL'S DIGEST

AB 695, as amended, Karnette. Vessels: registration.

(1) Existing law generally requires every undocumented vessel, as defined, using the waters or on the waters of the state to be currently numbered. The owner of each vessel requiring numbering by the state is required to file an initial application for a number with the Department of Motor Vehicles or an agent authorized by the department.

Existing law, by regulation, imposes emissions standards on spark-ignition marine engines with a model year of 2001 or later, that are manufactured for sale, sold, or offered for sale in the state, or that are introduced, delivered, or imported into the state for introduction into commerce.

This bill would require the manufacturer of one of those engines *with a model year 2008 or later* to include with the engine a certification that the engine meets those standards. Upon the initial application for a number ~~or first renewal application for a certificate of number~~ made on or after January 1, 2008, for an undocumented vessel that has one of those engines with a model year of ~~2001~~ 2008 or later, the bill would require the applicant to submit that certificate or other proof acceptable to the department, showing that the vessel meets the emissions standards, regardless of whether the vessel was purchased inside or outside the

state. The bill would exclude vessels originally purchased in another state by a resident of that state who subsequently establishes residence in this state and who provides satisfactory evidence to the department, or the department's agent, of the previous residence.

The bill would prohibit the department, and the department's agent, from numbering a vessel subject to the requirement of submitting proof of compliance with those emissions standards if the applicant does not submit the certificate or other proof of emissions standards compliance.

(2) The bill would provide that it is a misdemeanor for a person to purchase an undocumented vessel that has a model year ~~2001~~ 2008 or later spark-ignition marine engine outside of the state, for use in the state, if the vessel is required to be numbered by the Vehicle Code, with the intent of avoiding the emissions standards described in (1). By creating a new crime, the bill would impose a state-mandated local program.

~~(3) The bill would require the department to develop a form to be used by an applicant for the registration of a trailer that may be used to transport a vessel, to determine if the owner or registrant of the trailer has a vessel that is subject to showing proof of compliance with the emissions standards for spark-ignition marine engines, and whether that vessel is numbered by the department.~~

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 4003.7 is added to the Vehicle Code, to~~  
 2     ~~read:~~  
 3     ~~4003.7. The department shall develop a form to be used by an~~  
 4     ~~applicant for the registration of a trailer that may be used to~~  
 5     ~~transport a vessel, as defined in subdivision (a) of Section 9840,~~  
 6     ~~to determine if the owner or registrant of the trailer has a vessel~~  
 7     ~~that is subject to paragraph (1) of subdivision (a) of Section 9853.7,~~

1 ~~and whether that vessel is numbered pursuant to Chapter 2~~  
2 ~~(commencing with Section 9850) of Division 3.5.~~

3 ~~SEC. 2.~~

4 *SECTION 1.* Section 9853.7 is added to the Vehicle Code, to  
5 read:

6 9853.7. (a) (1) Except as provided in paragraph (2), upon the  
7 initial application for a number ~~or first renewal application for a~~  
8 ~~certificate of number~~ made on or after January 1, 2008, for an  
9 undocumented vessel that has a model year ~~2004~~ 2008 or later  
10 spark-ignition marine engine, the applicant shall submit the  
11 certificate described in subdivision (b) or other proof acceptable  
12 to the department, showing that the vessel meets the emissions  
13 standards required by Section 2442 of Title 13 of the California  
14 Code of Regulations, regardless of ~~the~~ whether the vessel was  
15 purchased inside or outside of the state.

16 (2) Paragraph (1) does not apply to a vessel originally purchased  
17 in another state by a resident of that state who subsequently  
18 establishes residence in this state and who provides satisfactory  
19 evidence to the department, or the department's agent authorized  
20 pursuant to Section 9858, of the previous residence.

21 (b) The manufacturer of an engine described in paragraph (1)  
22 of subdivision (a) that is manufactured for sale, sold, or offered  
23 for sale in California, or that is introduced, delivered, or imported  
24 into California for introduction into commerce in California, shall  
25 include with the engine a certification that the engine meets the  
26 emissions standards required by Section 2442 of Title 13 of the  
27 California Code of Regulations, that the ultimate purchaser of the  
28 vessel in which the engine is contained may use for the purposes  
29 of paragraph (1) of subdivision (a).

30 (c) The department, and the department's agent authorized  
31 pursuant to Section 9858, shall not number a vessel subject to  
32 paragraph (1) of subdivision (a) if the applicant does not submit  
33 the certificate or other proof of emissions standards compliance  
34 required by that paragraph.

35 (d) For the purposes of this section, "spark-ignition marine  
36 engine" has the same meaning as that term is defined in paragraph  
37 (48) of subdivision (a) of Section 2441 of Title 13 of the California  
38 Code of Regulations.

39 ~~SEC. 3.~~

40 *SEC. 2.* Section 9853.8 is added to the Vehicle Code, to read:

1 9853.8. (a) It is a misdemeanor for a person to purchase an  
2 undocumented vessel subject to paragraph (1) of subdivision (a)  
3 of Section 9853.7 outside of the state, for use in the state, if the  
4 vessel is required to be numbered pursuant to this chapter, with  
5 the intent of avoiding the emissions standards required by Section  
6 2442 of Title 13 of the California Code of Regulations.

7 ~~SEC. 4.~~

8 *SEC. 3.* Section 40000.8 of the Vehicle Code is amended to  
9 read:

10 40000.8. A violation of any of the following ~~provisions~~ is a  
11 misdemeanor, and not an infraction:

12 (a) Section 9853.8, relating to avoiding emissions standards.

13 (b) Section 9872, relating to hull identification numbers of  
14 vessels.

15 (c) Section 9872.1, relating to hull identification numbers of  
16 vessels.

17 ~~SEC. 5.~~

18 *SEC. 4.* No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 the only costs that may be incurred by a local agency or school  
21 district will be incurred because this act creates a new crime or  
22 infraction, eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section 17556 of  
24 the Government Code, or changes the definition of a crime within  
25 the meaning of Section 6 of Article XIII B of the California  
26 Constitution.